

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

3/22/23
DJA
United States of America

v.

Edgar Villegas Moreno

CRIMINAL COMPLAINT

CASE NUMBER: 23-5128MJ

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Maricopa in the District of Arizona, the defendant committed the crime of Possession of a Firearm and Ammunition by an Alien Unlawfully Present in the United States, in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8), an offense described as follows:

See Attachment A – Description of Count

I further state that I am a Law Enforcement Officer (LEO) for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: Coleen Schoch, AUSA 

Lowell Farley, Special Agent, ATF
Name of Complainant

**LOWELL
FARLEY** Digitally signed by
LOWELL FARLEY
Date: 2023.03.22
17:40:47 -07'00'
Signature of Complainant

Sworn to telephonically before me

March 22, 2022 at 7:10 pm
Date

at Phoenix, Arizona
City and State

HONORABLE DEBORAH M. FINE
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT A
DESCRIPTION OF COUNT

COUNT 1

Possession of a Firearm and Ammunition

by an Alien Unlawfully Present in the United States

On or about March 21, 2023, in the District of Arizona, Defendant EDGAR VILLEGAS MORENO, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess a firearm, to wit: a Palmetto State Armory 9x19mm caliber pistol; a Romarm/Cugir, model Micro Draco, 7.62 x 39mm caliber pistol; a Pioneer Arms, model Hellpup, 7.62 x 39mm firearm; an Ottomanguns 12-gauge shotgun; a Ruger Redhawk .44 Magnum caliber revolver .located on the top closet shelf; a Ruger Super Blackhawk .44 Magnum caliber revolver; and approximately 2000 rounds of CBC branded .50 BMG ammunition, which had each previously been shipped or transported in interstate or foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

ATTACHMENT B
STATEMENT OF PROBABLE CAUSE

I, Lowell I. Farley, Jr., a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this statement in support of a criminal complaint against EDGAR VILLEGAS MORENO for a violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8), Possession of a Firearm by an Alien Unlawfully Present in the United States.

2. I am a Senior Special Agent (SSA) with Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) and have been since March 2005. I am a graduate of the Federal Law Enforcement Training Center (FLETC) Criminal Investigator Training Program (CITP) and a graduate of the ATF National Academy Special Agent Basic Training (SABT) programs in Glynco, Georgia. I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses, particularly those laws found in Title 18 of the United States Code.

3. I am currently assigned to the Phoenix Field Division in Phoenix, Arizona. As an ATF SSA, I have conducted investigations targeting individuals and groups engaged in acts, conspiracies, plots, plans, and various violations of the statutes enacted within the Gun Control Act of 1968, Title 18, U.S.C., Chapter 44, and of the statutes enacted within the National Firearms Act of 1934, Title 26, U.S.C., Chapter 53. I have experience in all aspects of investigations to include, interviewing defendants, witnesses, and informants, utilizing physical and electronic surveillance techniques, and writing and executing search and arrest warrants. I have extensive experience in processing crime scenes and the identification, collection, processing, and preservation of evidence for use in federal criminal investigations.

4. The statements contained in this Affidavit are based on information derived from my personal knowledge, training and experience; information obtained from the

knowledge and observations of other sworn law enforcement officers, either directly or indirectly through their reports or affidavits.

PROBABLE CAUSE

5. On March 21, 2023, I was notified that the Phoenix Police Department (PPD) had executed search warrants issued by the Superior Court of Arizona, Maricopa County, at 5601 West McDowell Road, Apt. 1091, Phoenix, Arizona 85043. I was further notified that PPD had seized approximately nine firearms and 2000 rounds of .50 BMG caliber ammunition at the search location.

6. Based on my knowledge and experience, I know that such amounts of .50 BMG caliber ammunition are commonly trafficked to and smuggled into Mexico for use by Mexican Drug Trafficking Organizations (DTOs) against the Mexican military, Mexican law enforcement, rival Mexican DTOs, and Mexican civilians, in furtherance of drug-trafficking activities.

7. I went to the search location, spoke with PPD officers, and examined the seized firearms. While at the scene, I learned the following information:

a. PPD officers were patrolling the vicinity of EDGAR VILLEGAS MORENO's residence and observed a white Chevrolet Tahoe bearing Arizona temporary tag 1E56119 exit the apartment complex at 5601 West McDowell Road, Phoenix, AZ 85043, and make an illegal left turn onto West McDowell Road. PPD also observed that the Tahoe appeared to have dark tint on all four windows.

b. PPD officers activated their marked vehicle's emergency equipment and conducted a traffic stop on the Tahoe.

c. EDGAR VILLEGAS MORENO was driving the vehicle. His brother, Gerardo Villegas Moreno, was in the front passenger seat, and Francisco Lupercio Villa was in the rear passenger seat. PPD officers determined the window tint of the vehicle's windows was well above the legal limit.

d. When asked by PPD officers to provide identification, EDGAR VILLEGAS MORENO failed to do so and was placed in handcuffs for violating

ARS 28-1595B, a class 2 misdemeanor offense. PPD officers advised EDGAR VILLEGAS MORENO of his constitutional rights. Post-Miranda, EDGAR VILLEGAS MORENO advised officers that he possessed an “AK-47 style micro-Draco” firearm at his residence that he had recently purchased. EDGAR VILLEGAS MORENO advised officers that he resides at 5601 West McDowell Road, Apt. 1091, Phoenix, AZ 85043. When questioned further by PPD, EDGAR VILLEGAS MORENO requested an attorney.

e. PPD officers spoke with Gerardo Villegas Moreno, who stated that he and EDGAR VILLEGAS MORENO reside together at 5601 West McDowell Road, Apt. 1091, Phoenix, Arizona 85043, with Gerardo Villegas Moreno’s girlfriend. Gerardo Villegas Moreno stated that he and his girlfriend share one bedroom and that EDGAR VILLEGAS MORENO uses the other bedroom. Gerardo Villegas Moreno stated that no one else resides at the apartment. Gerardo Villegas Moreno further stated that there are firearms at the residence because their apartment is rented in the name of their brother, a United States citizen, who left Arizona a few months prior for military service. Law enforcement later confirmed that the individual Gerardo identified is active-duty U.S. Army.

f. PPD officers spoke with Francisco Lupercio Villa, who told officers he was visiting from Mexico and staying with EDGAR VILLEGAS MORENO.

g. PPD officers learned from the U.S. Department of Homeland Security (DHS) Bureau of Immigration and Customs Enforcement (ICE) that EDGAR VILLEGAS MORENO is unlawfully present in the United States.

h. PPD officers obtained Search Warrant No. SW2023-026357 from the Superior Court of Arizona, Maricopa County, Honorable David Seyer, to search EDGAR VILLEGAS MORENO’s residence for firearms and ammunition. While executing this warrant, PPD officers noted the presence of a large amount of United States currency and suspected illegal narcotics. PPD officers obtained a second search warrant, Search Warrant No. SW2023-026363, from the Superior Court of

Arizona, Maricopa County, Honorable Lacey Fisher, for firearms, ammunition, U.S. currency, illegal narcotics, and electronic devices.

i. EDGAR VILLEGAS MORENO's residence is a two-bedroom apartment. PPD officers found that the first bedroom contained men's clothing, an AK-47 style "micro-Draco" firearm, and the Mexican passport of Francisco Lupercio Villa. The second bedroom contained both men's and women's clothing. Based on this information, I believe that the first bedroom belongs to EDGAR VILLEGAS MORENO and the second bedroom to Gerardo Villegas Moreno and his girlfriend.

j. Pursuant to the search warrants, PPD seized the following items from the first bedroom: a Palmetto State Armory 9x19 mm caliber pistol located on the top of the bed; a Romarm/Cugir, model Micro Draco, 7.62 x 39 mm caliber pistol leaning against the west wall of the bedroom; a Pioneer Arms, model Hellpup, 7.62 x 39 mm firearm leaning against the west wall; an Ottomanguns 12-gauge shotgun leaning against the west wall; a brown bolt action rifle with a scope in a corner next to the television; a Ruger Redhawk .44 Magnum caliber revolver located on the top closet shelf; a Ruger Super Blackhawk .44 Magnum caliber revolver on the top closet shelf; three large Ziploc bags of suspected narcotics from the top closet shelf; and \$7,674.00 in United States currency next to the three bags.

k. PPD also seized approximately 2000 rounds of CBC-branded .50 BMG ammunition in cases from a common room; two additional firearms from the second bedroom; and various firearm and narcotics accessories.

l. PPD field tested the three bags of suspected narcotics. The contents of one of the bags tested positive for methamphetamine, and the contents of the other two bags tested positive for a common cutting agent for methamphetamine.

8. A Homeland Security Investigations (HSI) Special Agent confirmed that EDGAR VILLEGAS MORENO is unlawfully present in the United States and provided me with a copy of ICE Form I-213 noting that EDGAR VILLEGAS MORENO is an

admissible alien. The Special Agent also informed me that Gerardo Villegas Moreno is admitted to the United States under a non-immigrant visa without sufficient legal status to possess firearms and ammunition.

9. I have examined the firearms seized from EDGAR VILLEGAS MORENO's residence. Based on this examination and my knowledge and experience as an ATF interstate nexus expert and a recognized expert for origin and interstate nexus for firearms in the United States District Court for the District of Arizona and for the Southern District of Texas, I know that: (1) Ruger does not manufacture revolvers in the State of Arizona; (2) Ottomanguns, Palmetto State Armory, Pioneer Arms, and Romarm/Cugir do not manufacture firearms in the State of Arizona; (3) CBC does not manufacture ammunition in the State of Arizona; and (4) no ammunition is manufactured in the State of Arizona. Therefore, the firearms and ammunition listed in Attachment A traveled in interstate or foreign commerce since they were found in Arizona.

CONCLUSION

10. For these reasons, I submit that there is probable cause to believe that EDGAR VILLEGAS MORENO committed the crime of Possession of a Firearm and Ammunition by an Alien Unlawfully Present in the United States, in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

LOWELL FARLEY
Digitally signed by
LOWELL FARLEY
Date: 2023.03.22
17:41:40 -07'00'

Lowell Farley
Senior Special Agent, ATF

Sworn to and subscribed electronically this 22nd day of March, 2023. at 7:10 pm


HONORABLE DEBORAH M. FINE
United States Magistrate Judge